

REMARKS

In the Office Action mailed July 19, 2006, Claims 3-16 and 36 stand rejected under 35 USC §112, second paragraph as being indefinite. Applicant has amended the language of claim 3 to address the issues pointed to by the Examiner. Applicant respectfully submits that thus rejection is now moot.

Claims 3-4, 10, 12 and 36 stand rejected under 35 USC §102(b) as being anticipated by Pagdin (U.S. Patent 2,920,916). Claims 5-9, 13-14, 17-23, 25 and 29 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Applicants Admitted Prior Art (AAPA). Claims 13-16 and 25-29 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin and AAPA further in view of Milholen et al. (U.S. Patent 3,992,049). Claims 11 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Kintgen et al. (U.S. Patent 4,271,755).

Applicant respectfully submits that the claims of the present invention are neither taught nor suggested by the prior art.

More particularly, claim 3 as amended recites, *inter alia*,

... said lifting and transporting accomplished by applying opposed clamping forces to at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another, **said opposed clamping forces being sufficient to lift the at least one group.**

Nowhere does the prior art teach or suggest these features.

The Examiner points to the sealing member 50 as providing the opposed clamping forces of the claim. This analysis is flawed. In fact, the sealing member 50 operates to create a seal against portions of the tops and sides of the cartons of the tier as best shown in FIG. 5. After the seal is created, the suction head 19, which covers the top of the carton tier, applies vertical suction forces through the screen 44. These vertical suction forces are used to lift the carton tier (col. 3, lines 57-66). There are no opposed clamping forces applied to the carton tier that are sufficient to lift the carton tier. Instead, vertical suction forces from above the carton tier are used to lift the carton tier (col. 3, lines 64-72). In this manner, the material handling system of Pagdin does not employ opposed clamping forces sufficient to lift at least one group of elongate bags when lifting and transporting the group of bags as recited in the claim. The Examiner failed to address these important limitations in the Office Action of July 19, 2006. For this reason, Applicant respectfully submits that the Examiner has failed to establish a prima facie rejection of the claims.

The systems described in Milholen et al. and Kintgen et al. fail to address the shortcomings of Pagdin as set forth above. More particularly, the brick stacking machine of Milholen and the bag handling apparatus of Kintgen have nothing to do with the application of clamping forces to at least one group of elongate bags having a cross-stacked configuration as recited in the claim.

As set forth above, the prior art fails to teach or suggest important features of claim 3. For these reasons, it is respectfully submitted that claim 3 is patentable over the prior art. Similar arguments apply to independent claim 17.

It is respectfully submitted that the dependent claims 4-16, 18-29, and 36-37 are patentable over the cited prior art for those reasons advanced above with respect to independent claims 3 and 17 from which they respectfully depend and for reciting additional features neither taught nor suggested by the cited prior art.

For example, claims 12 and 25 recite "a stacker machine having a moveable stacker head ... and **at least one support structure that is operably disposed between bags disposed side-by-side** in said cross-stacked configuration to prevent such bags from sliding past one another." Nowhere does the prior art teach or suggest this feature. The Examiner points to the lifting operation member 50 as providing this feature. This analysis is flawed as the lifting operation member 50 is disposed about the periphery of the carton tier (see FIG. 6) and thus is not "disposed between bags" as recited in claims 12 and 25. The Examiner failed to address this important limitation in the Office Action of July 19, 2006. For this reason, Applicant respectfully submits that the Examiner has failed to establish a prima facie rejection of claims 12 and 25.

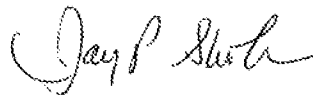
In another example, claims 13 and 26 recite that this support structure is "at least one chain. In yet another example, claims 14 and 27 recite that this support structure is "one of wire strands and rope strands." Nowhere does the cited prior art teach or suggest

these features. The Examiner states that these features would be obvious to one of ordinary skill in the art. Such analysis is flawed as there is no factual basis underlying the Examiner's assertion. For this reason, Applicant respectfully submits that the Examiner has failed to establish a prima facie rejection of claims 13, 14, 26 and 27.

In yet another example, claims 15 and 28 and 35 recite " a lift truck having ... a central support bar laterally disposed between said two clamp members for preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another." Nowhere does the cited prior art teach or suggest these features. The Examiner failed to address these important limitations in the Office Action of July 19, 2006. For this reason, Applicant respectfully submits that the Examiner has failed to establish a prima facie rejection of claims 15, 28 and 35.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



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